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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,048	10/21/2004	Kari Pulkkinen	0365-0609PUS1	8405

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EXAMINER
LIU, ALAN Y

ART UNIT	PAPER NUMBER
3609	

NOTIFICATION DATE	DELIVERY MODE
09/27/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

	Application No.	Applicant(s)
Office Action Summary	10/512,048	PULKKINEN ET AL.
	Examiner	Art Unit
	Alan Liu	3609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10/21/2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10/21/2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date *10/21/2004, 1/18/2005*.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This communication is a first Office Action Non-Final rejection on the merits.

Preliminary amendment filed 10/21/2004 has been acknowledged. Claims 1-14 are

currently pending and have been considered below.

Claim Objections

2.   Claim 1 is objected to because of the following informalities: "billing models"

should be changed to "billing modules". Appropriate correction is required.

3.   Claim 2 is objected to because of the following informalities: "information data"

should be changed to either "information" or "data". Appropriate correction is required.

4.   Claim 14 is objected to under 37 CFR 1.75(c), as being of improper dependent

form for failing to further limit the subject matter of a previous claim. Applicant is

required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper

dependent form, or rewrite the claim(s) in independent form. Claim 14 is written in

dependent form but should be written as an independent claim.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

6.   Claims 1, 3, 5, and 10-12 are rejected under 35 U.S.C. 112, second paragraph,

as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

Claim 1 recites the limitation "the rating" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the customer's Pre-Paid account" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim 1, line 12 recites the term "it" and it is unclear what the applicant is referring to by the term "it".

Claim 3 recites the limitation "the price data" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the call's B-number" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the node" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the call data" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the data-transfer interface" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

7.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8.   Claims 12 and 14 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

As per claims 12 and 14, the system contains software (data) structures not

claimed as embodied in computer-readable media and therefore are descriptive

material *per se* and are not statutory because they are not capable of causing function

change in a computer. See *In re Warmerdam,* 33 F.3d at 1361, 31 USPQ2d at 1760.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10.   Claims 1-7, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by

Mattila et al. (2003/0065777).

As per claim 1, Mattila et al. teaches a method for managing customer accounts

in connection with a Pre-Paid platform (page 6, paragraph 0057), comprising:

the applications communicate with the Pre-Paid platform (page 6, paragraph

0057)

the applications are arranged to communicate with a proxy and the Pre-Paid

platform correspondingly with a billing module, in which case the proxy and the billing

module communicated with each other in a logically predefined manner (page 3, paragraph 0034; Figure 1),

the proxy is used to collect and manage the services used by the customers, the billing models, and the rating (page 5, paragraph 0049),

the billing module is used to bill the customer's Pre-Paid account, which is located on the Pre-Paid platform, or in a system behind it (page 3, paragraph 0034; page 6, paragraph 0057).

As per claim 2, Mattila et al. teaches the proxy is used to collect the price of the services used by the user and other similar data and to transmit this data to the billing module (page 5, paragraph 0049).

As per claim 3, Mattila et al. teaches the price data is formed according to various billing principles (page 3, paragraph 0034; page 4, paragraph 0035; page 5, paragraph 0049).

As per claim 4, Mattila et al. teaches the proxy is used to control the delivery of the service used by the user (pages 4-5, paragraphs 0043-00444).

As per claim 5, Mattila et al. teaches that a service code is transmitted to the Pre-Paid platform with the aid of the call's B-number formed by the billing module (pages 3-4, paragraphs 0034-0035; page 5, paragraph 0049; via the resource address or URL identifies the service and the termination number is the B-number).

As per claim 6, Mattila et al. teaches the proxies prevent services being delivered to the user, if the user's pre-paid account is empty, or if the price of the service is greater than the funds in the Pre-Paid account (page 6, paragraph 0057).

As per claim 7, Mattila et al. teaches the billing module (PCN) transfers to the Pre-Paid platform the real amount of the value of the service ordered by the user, in cash or other consideration, from the user's Pre-Paid account (page 4, paragraph 0035; page 6, paragraph 0057).

As per claim 10, Mattila et al. teaches converting the price or rating data obtained from the proxy into voice-calls (page 3, paragraph 0034, via call-detail record).

As per claim 11, Mattila et al. teaches the call data includes at least a B-number and a time definition (page 3, paragraph 0034).

As per claim 12, Mattila et al. teaches a Pre-Paid mediator for managing customer accounts in connection with a Pre-Paid platform (page 6, paragraph 0057; Figure 1), in which mediator there are

a billings means unit for communicating with the Pre-Paid platform (page 3, paragraph 0034), and

at least one proxy for communicating with applications (SMS, GPRS, MMS) (page 3, paragraph 0030), wherein

the data-transfer interface in the direction of the applications is formed to be logically one-way, in which case the proxies can be made modular (page 3, paragraphs 0027-0028, via WAP allows for modularity);

the proxies include a unit for collecting and/or managing the price and other similar data of the services used by customers (page 5, paragraph 0049), and

the billing unit includes a unit for billing a customer's Pre-Paid account in the Pre-Paid platform (page 6, paragraph 0057).

As per claim 13, Mattila et al. teaches the proxies are not in direct contact with the Pre-Paid platform (Figure 1; page 3, paragraph 0027; via indirect contact through the Internet).

As per claim 14, Mattila et al. teaches a computer software product, which implements the method for managing customer accounts (page 7, paragraphs 0060-0061).

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

    1.   Determining the scope and contents of the prior art.
    2.   Ascertaining the differences between the prior art and the claims at issue.
    3.   Resolving the level of ordinary skill in the pertinent art.
    4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

13.   Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stille et al. (6,724,748) in view of Mattila et al. (2003/0065777).

As per claim 8, Mattila et al. discloses all elements of the claimed invention as written above, but fails to expressly disclose that the billing module transmits the billable data to the Pre-Paid platform, using an INAP protocol.

Stille et al. teaches using an INAP protocol (col. 2, lines 20-47).

From this teaching of Stille et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for managing customer accounts of Mattila et al. to include using an INAP protocol taught by Stille et al. because INAP is a signaling protocol for intelligent networks that is used in addition to standard telecommunication protocols and provides additional functionalities.

As per claim 9, Mattila et al. discloses all elements of the claimed invention as written above, but fails to expressly disclose that the billing modules transmits the billable data to the Pre-Paid platform, using a CAP protocol.

Stille et al. teaches using a CAP protocol (col. 2, lines 20-47).

From this teaching of Stille et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for managing customer accounts of Mattila et al. to include using an CAP protocol taught by Stille et al. because CAP is a signaling protocol based on INAP and also brings additional benefits.

Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Joyce et al. (2003/0026404) discloses a convergent communications system with a rule set for authorizing, debiting, settling and recharging a mobile commerce account.

Kotaluoto et al. (7,174,155) discloses a method for charging in a communication system.

Lundstrom (2004/0052225) discloses a method of providing charge information to a user of a mobile terminal.

Nilson (2002/0156729) discloses a method of paying services through a cellular telecommunications system.

Nilsson et al. (6,804,505) discloses a method for call tariff determination in mobile telecommunication networks.
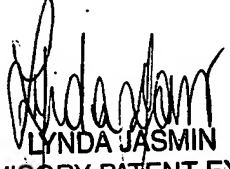
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Liu whose telephone number is 571-270-5113. The examiner can normally be reached on Monday through Thursday, 8:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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9/24/07

LYNDA JASMIN

SUPERVISORY PATENT EXAMINER